

04/21/2006 03:52 3012618825

GIBB IP LAW

RECEIVED
CENTRAL FAX CENTER PAGE 01



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 20 2006

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,550	07/30/2003	Darren L. Anand	BUR920030018US1	1549
28211	7590	04/14/2006		
FREDERICK W. GIBB, III GIBB INTELLECTUAL PROPERTY LAW FIRM, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			EXAMINER	LAM, TUAN THIEU
			ART UNIT	PAPER NUMBER
			2816	
			DATE MAILED: 04/14/2006	

RECEIVED
APR 20 2006
BUR 5077
MCCINN & GIBB, PLLC-ANNAPOLIS
RESPONSE DUE

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

Examiner

Applicant(s)

10/604,550

Art Unit

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 4-7-06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:

- A. Amended paragraph(s) do not include markings.
- B. New paragraph(s) should not be underlined.
- C. Other _____

2. Abstract:

- A. Not presented on a separate sheet. 37 CFR 1.72.
- B. Other _____

3. Amendments to the drawings:

- A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- C. Other _____

4. Amendments to the claims:

- A. A complete listing of all of the claims is not present.
- B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
- C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Cancelled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- D. The claims of this amendment paper have not been presented in ascending numerical order.
- E. Other: Claim 27 do not include markings to show changes made.

5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opia/preonnotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Parthenice Merrill
Legal Instruments Examiner (LIB)

571-272-1036
Telephone No.

RECEIVED
CENTRAL FAX CENTER

Applicant: Wheater et al.
Application No.: 10/604,550
Filing Date: 07/30/03

APR 20 2006

Certificate of Transmission by Facsimile

I hereby certify that this correspondence is
being facsimile transmitted to the United States
Patent and Trademark Office
(Fax No. 571-273-8300) on 4/7/06

Sparkle Gunther
Sparkle Gunther

APR 20 2006

AMENDMENT TRANSMITTAL LETTER (Large Entity)				APR 20 2006		
Applicant(s): Wheeler et al.				Docket No. BUR920030018US1		
Application No. 10/604,550	Filing Date 07/30/03	Examiner Lam Tuan	Customer No. 29154	Group Art Unit 2816	Confirmation No. 1549	
Invention: DIAGNOSTIC METHOD AND APPARATUS FOR NON-DESTRUCTIVELY OBSERVING LATCH DATA						
<u>COMMISSIONER FOR PATENTS:</u>						
<p>Transmitted herewith is an amendment in the above-identified application.</p> <p>The fee has been calculated and is transmitted as shown below.</p>						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	33 -	33 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	12 -	9 =	3	x \$200.00	\$600.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$600.00	
<input type="checkbox"/> No additional fee is required. <input type="checkbox"/> An additional fee of \$600.00 is required.						

- No additional fee is required for amendment.
- Please charge Deposit Account No. 09-0456 In the amount of \$600.00
- A check in the amount of to cover the filing fee is enclosed.
- The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account
 - Any additional filing fees required under 37 C.F.R. 1.16.
 - Any patent application processing fees under 37 CFR 1.17.
- Payment by credit card. Form PTO-2038

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: 04/07/06

Frederick W. Gibb, III
Reg. No. 37,629
McGinn & Gibb, PLLC
2568-A Riva Road
#304
Annapolis, MD 21401
410-573-1545

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)].

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Making Correspondence

BR111-000005-000